
SENATE BILL No. 216

DIGEST OF INTRODUCED BILL

Citations Affected: IC 10-4-1.

Synopsis: Statewide mutual aid program. Provides for a statewide mutual aid program that allows a city, town, county, or township to request assistance from another unit in managing disaster response or recovery or conducting disaster response or recovery related exercises, testing, or training. Repeals provisions concerning mutual aid agreements.

Effective: July 1, 2003.

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January 9, 2003, read first time and referred to Committee on Transportation and Homeland Security.

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First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

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SENATE BILL No. 216



A BILL FOR AN ACT to amend the Indiana Code concerning state police, civil defense and military affairs.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 10-4-1-5, AS AMENDED BY P.L.123-2002,
 2 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2003]: Sec. 5. (a) The department shall prepare and maintain
 4 a state emergency operations plan and keep it current, which plan may
 5 include:
 6 (1) prevention and minimization of injury and damage caused by
 7 disaster;
 8 (2) prompt and effective response to disaster;
 9 (3) emergency relief;
 10 (4) identification of areas particularly vulnerable to disaster;
 11 (5) recommendations for:
 12 (A) zoning;
 13 (B) building;
 14 (C) other land use controls;
 15 (D) safety measures for securing mobile homes or other
 16 nonpermanent or semipermanent structures; and
 17 (E) other preventive and preparedness measures designed to



- 1 eliminate or reduce disaster or its impact;
 2 shall be disseminated to both the fire prevention and building
 3 safety commission and local authorities;
 4 (6) assistance to local officials in designing local emergency
 5 action plans;
 6 (7) authorization and procedures for the erection or other
 7 construction of temporary works designed to protect against or
 8 mitigate danger, damage, or loss from flood, conflagration, or
 9 other disaster;
 10 (8) preparation and distribution to the appropriate state and local
 11 officials of state catalogs of federal, state, and private assistance
 12 programs;
 13 (9) organization of manpower and chains of command;
 14 (10) coordination of federal, state, and local disaster activities;
 15 (11) coordination of the state disaster plan with the disaster plans
 16 of the federal government; and
 17 (12) other necessary matters.
- 18 (b) The department shall take an integral part in the development
 19 and revision of local and interjurisdictional disaster plans prepared
 20 under section 10 of this chapter. To this end it shall employ or
 21 otherwise secure the services of professional and technical personnel
 22 capable of providing expert assistance to political subdivisions, their
 23 disaster agencies, and interjurisdictional planning and disaster
 24 agencies. These personnel shall consult with subdivisions and agencies
 25 on a regularly scheduled basis, shall make field examinations of the
 26 areas, circumstances, and conditions to which particular local and
 27 interjurisdictional disaster plans are intended to apply, and may suggest
 28 revisions.
- 29 (c) In preparing and revising the state disaster plan, the department
 30 shall seek the advice and assistance of local government, business,
 31 labor, industry, agriculture, civic and volunteer organizations, and
 32 community leaders. In advising local and interjurisdictional agencies,
 33 the department shall encourage them to seek advice from these sources.
- 34 (d) The state disaster plan or any part of the plan may be
 35 incorporated in rules of the department or executive orders.
- 36 (e) The department shall:
- 37 (1) determine requirements of the state and its political
 38 subdivisions for food, clothing, and other necessities in event of
 39 an emergency;
 40 (2) procure and pre-position supplies, medicines, materials, and
 41 equipment;
 42 (3) promulgate standards and requirements for local and

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- 1 interjurisdictional disaster plans;
 2 (4) provide for mobile support units;
 3 (5) assist political subdivisions, their disaster agencies, and
 4 interjurisdictional disaster agencies to establish and operate
 5 training programs and programs of public information;
 6 (6) make surveys of industries, resources, and facilities within the
 7 state, both public and private, as are necessary to carry out the
 8 purposes of this chapter;
 9 (7) plan and make arrangements for the availability and use of any
 10 private facilities, services, and property, and if necessary and if in
 11 fact they are used provide for payment for use under terms and
 12 conditions agreed upon;
 13 (8) establish a register of persons with types of training and skills
 14 important in emergency prevention, preparedness, response, and
 15 recovery;
 16 (9) establish a register of mobile and construction equipment and
 17 temporary housing available for use in a disaster emergency;
 18 (10) prepare, for issuance by the governor, executive orders,
 19 proclamations, and regulations as necessary or appropriate in
 20 coping with disaster;
 21 (11) cooperate with the federal government and any public or
 22 private agency or entity in achieving any purpose of this chapter
 23 and in implementing programs for disaster prevention,
 24 preparation, response, and recovery; and
 25 (12) do other things necessary, incidental, or appropriate for the
 26 implementation of this chapter.

27 (f) The department shall ascertain what means exist for rapid and
 28 efficient communications in times of disaster emergencies. The
 29 department shall consider the desirability of supplementing these
 30 communications resources or of integrating them into a comprehensive
 31 intrastate or state-federal telecommunications or other communications
 32 system or network. In studying the character and feasibility of any
 33 system or its several parts, the department shall evaluate the possibility
 34 of multipurpose use thereof for general state and local governmental
 35 purposes. The department shall make recommendations to the governor
 36 as appropriate.

37 (g) The department shall develop a statewide mutual aid program
 38 ~~and~~ **to implement the** statewide mutual aid agreement.

39 SECTION 2. IC 10-4-1-5.6 IS ADDED TO THE INDIANA CODE
 40 AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY
 41 1, 2003]: **Sec. 5.6. (a) As used in this section, "participating unit"**
 42 **refers to a unit that does not opt out under subsection (c) from**

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1 participating in the statewide mutual aid program.

2 (b) As used in this section, "unit" has the meaning set forth in
3 IC 36-1-2-23.

4 (c) A unit may choose not to participate in the statewide mutual
5 aid program if the unit:

6 (1) adopts an ordinance or a resolution declaring that the unit
7 will not participate in the statewide mutual aid program; and

8 (2) provides a copy of the ordinance or resolution to:

9 (A) the local emergency management organization that
10 serves the unit; and

11 (B) the department.

12 (d) Each participating unit shall establish an incident
13 management system and a unified command system to be used in
14 a response to a disaster or an emergency.

15 (e) A participating unit may request the assistance of at least
16 one (1) other participating unit to:

17 (1) manage disaster response or recovery; or

18 (2) conduct disaster response or recovery related exercises,
19 testing, or training.

20 (f) A request for assistance to a participating unit under
21 subsection (e) shall be made by and to the executive of the unit or
22 the executive's authorized representative. A request may be oral or
23 in writing. A written request shall be made on forms developed by
24 the department. An oral request shall be confirmed in writing not
25 later than twenty-four (24) hours after the oral request is made.

26 (g) A request must include the following information:

27 (1) A description of the disaster response and recovery
28 functions for which assistance is needed, including the
29 following:

30 (A) Fire.

31 (B) Law enforcement.

32 (C) Emergency medical.

33 (D) Transportation.

34 (E) Communications.

35 (F) Public works and engineering.

36 (G) Building inspection.

37 (H) Planning and information assistance.

38 (I) Mass care.

39 (J) Resource support.

40 (K) Health and other medical services.

41 (L) Search and rescue.

42 (2) The amount and type of services, equipment, supplies,

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1 materials, personnel, and other resources needed and a
2 reasonable estimate of the length of time they will be needed.

3 (3) The specific place and time for staging of the assisting
4 participating unit's provision of assistance and a point of
5 contact at that location.

6 (h) A participating unit that is requested to render assistance
7 shall take the necessary action to provide and make available the
8 requested services, equipment, supplies, materials, personnel, and
9 other resources.

10 (i) A participating unit's obligation to provide assistance is
11 subject to the following restrictions:

12 (1) A participating unit's request to receive assistance is
13 effective only:

14 (A) upon declaration of a local disaster emergency by the
15 executive officer of the unit under section 23 of this
16 chapter; or

17 (B) upon the commencement of the exercises, testing, or
18 training.

19 (2) The assistance shall continue as long as:

20 (A) the state of emergency remains in effect and the loaned
21 resources are required by the receiving participating unit
22 or the loaned resources remain in the receiving
23 participating unit; or

24 (B) the exercises, testing, or training is in progress.

25 (3) The participating unit rendering the assistance may
26 withhold resources or recall loaned resources to the extent
27 necessary to provide for the participating unit's own
28 reasonable protection.

29 (4) Emergency forces providing assistance shall continue
30 under the command and control of their regular leaders, but
31 operationally those forces shall be under the control of the
32 incident commander or unified commander designated by the
33 requesting participating unit.

34 SECTION 3. IC 10-4-1-5.7 IS ADDED TO THE INDIANA CODE
35 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
36 1, 2003]: Sec. 5.7. (a) As used in this section, "participating unit"
37 has the meaning set forth in section 5.6(a) of this chapter.

38 (b) Each participating unit shall provide for the payment of
39 compensation and benefits to:

40 (1) an injured member; and

41 (2) a representative of a deceased member;

42 of the participating unit's emergency forces if the member is

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1 injured or killed while rendering assistance under section 5.6 of
 2 this chapter in the same manner and on the same terms as if the
 3 injury or death were sustained while the member was rendering
 4 assistance for or within the member's own unit. Expenses incurred
 5 under this subsection are not reimbursable under subsection (c).

6 (c) A participating unit rendering assistance to another
 7 participating unit under section 5.6 of this chapter shall be
 8 reimbursed by the participating unit receiving the assistance for
 9 the following:

10 (1) A loss of, damage to, or expense incurred in the operation
 11 of any equipment in answering the request for assistance.

12 (2) An expense incurred in the provision of a service in
 13 answering the request for assistance.

14 (3) An expense incurred in answering the request for
 15 assistance.

16 (d) Notwithstanding subsection (c), a participating unit
 17 rendering assistance may:

18 (1) assume in whole or in part the loss, damage, expense, or
 19 costs described in subsection (c); or

20 (2) loan the equipment or donate the services to the receiving
 21 participating unit without charge or cost.

22 (e) At least two (2) participating units may enter into
 23 agreements establishing a different allocation of loss, damage,
 24 expense, or costs among themselves than that specified in
 25 subsection (c).

26 (f) Officers and employees of a participating unit rendering
 27 assistance to another participating unit under this section shall be
 28 considered agents of the requesting unit for the purpose of tort
 29 liability and immunity.

30 (g) This section does not prevent any participating unit from
 31 entering into a mutual aid or other agreement with another unit or
 32 affect any other agreement to which a unit is a party, including an
 33 agreement entered into under this chapter or IC 36-1-7.

34 SECTION 4. IC 10-4-1-5.5 IS REPEALED [EFFECTIVE JULY 1,
 35 2003].

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